

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 29TH DAY OF JANUARY 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Douglas W. Marrs	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Karen Edmonds	-Human Resources Director
	Joe Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Vice-Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit - James W. Radford, Jr. (Agent: Gay & Keesee, Inc.)

James W. Radford, Jr. (Agent: Gay & Keesee, Inc.) requests a Special Use Permit with conditions in a Planned Mobile Home Residential Park (PMR) to allow an expansion of the existing Oak Forest Mobile Home Park from 185 units to 219 units. The property is located at 1156 Hightop Road and is identified as Tax Parcel No. 66-A-98 (Acct. ID #061259 026951) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the

January, 29, 2004

Page 1 of 26

Comprehensive Plan.

The Zoning Administrator provided a brief overview of the request. He pointed out that Mr. Radford received a special use permit for the exact same request on November 10, 1999. The special use permit became void when there was no construction of the new units. At their January 14, 2004 meeting, the Planning Commission found this request to be in conformance with the comprehensive plan and recommended approval to the Board of Supervisors with eight conditions.

Warren Neilly addressed the Board on behalf of the applicant. Mr. Neilly indicated that the applicant, James Radford, Jr., was not aware that the special use permit issued in November 1999 was voided. Mr. Radford owns several mobile home parks and during the course of time was completing renovations and updates to the other mobile home parks. Mr. Neilly stated that substantial upgrades were planned for the Oak Forest Mobile Home Park which will benefit the existing residents as well as new residents. A new entrance to the mobile home park is planned, a bus shelter for the children, and new fire hydrants will be installed. Mr. Neilly requested the Board's consideration in approving this request.

Supervisor Spradlin requested the following letter be entered into the record:

“TO: Members of the Montgomery County Board of Supervisors

I come before you to ask you to consider what affect the water drainage from the Oak Forest Trailer Court would have on the area from the Merrimac Pentecostal Holiness Church to the intersection of Merrimac Rd. and Hightop Rd. if the owner is allowed to add additional trailer spaces at Oak Forest Trailer Court. This is in the Merrimac Section of Montgomery County.

I have lived in the Merrimac section of the County for the most part of my 64 years. I live below the Merrimac Pentecostal Holiness Church. My mother (Edna Linkous) who is 83 years old has lived at 863 Merrimac Rd., Blacksburg, Va. for most of her life. I own property above my mother (871 Merrimac Rd.)

I cannot recall any problems with the flow of water that runs into the creek that flows parallel to the Merrimac Rd. below the Merrimac Pentecostal Holiness Church before the Oak Forest Trailer Court was built. From the time it was built until now, and because of added trailer spaces, the volume of water flow caused by the Oak Forest Trailer Court has more than doubled. I believe this water drainage problem causes my mother and me more problems and has done more damage to our property than anyone else in the Merrimac area. However, anyone who lives in this area or anyone who travels the Merrimac Road between the Merrimac Pentecostal Holiness Church and Hightop Rd. is concerned with their safety when the water covers the roadway in this area. The water that covers the road when it rains has caused vehicles to have to turn around instead of going through the high waters. Often when it rains people call me and ask

January, 29, 2004

Page 2 of 26

if they can get to the Church because of the road flooding. You might want to check with the Sheriff's Dept. and the Highway Dept. and see how many complaints they have received about the water covering the roadway in this area. I know for a fact that there have been many.

Several years ago, people who live in the Merrimac section of the county circulated a petition opposing the addition of more spaces in the Oak Forest Trailer Park. At that time the Board of Supervisors did not think that the added spaces would create a water flow problem or they did not care. After a short time, the Highway Dept. and possibly the County approved funds to put a pipe from the intersection of Merrimac Rd. and Hightop Rd. to just above the property of Dewey Perfater. When these spaces were added, it also caused a larger flow of water down the ravine in back of the Merrimac Pentecostal Holiness Church. The church had to add an additional large pipe to take care of the water flow that flooded the basement of the church. I believe that they also added a mound of asphalt around the side of the church to take care of the excess water flow.

I don't believe the owner of the Oak Forest Trailer Court lives in the Merrimac section and does not have to deal with this problem. The owner of the trailer court runs it as a business and wants the spaces for extra income. I am sure that this is also appealing to the County as it adds revenue through taxes. Before each of you vote on granting permission for the additional spaces to be added to the Oak Forest Trailer Court, I would ask that you consider how you would feel if you lived in this area. The water effects people's safety and does damage to our property and also reduces our property values.

I ask that the Montgomery County Board of Supervisors deny the request for additional trailer spaces to be added to the Oak Forest Trailer Court until a drainage study can be completed and until the Merrimac property owners can be assured that the cost to fix this drainage problem will be covered by the trailer court owner, the highway department or the County. The pipe that was put in several years ago needs to be extended from above Dewey Perfater's (on Merrimac Rd.) to the Merrimac Pentecostal Holiness Church. I would estimate it would take between 500 or 600 feet of pipe.

I have no problem with the owner of the Oak Forest Trailer Court adding more spaces if the existing problems and the problems that would be created by adding additional spaces that the trailer court has caused with its water run off are remedied.

Howard E. Linkous"

Kevin Conner, Gay & Keese, Inc., addressed the Board as agent for the applicant. Mr. Conner indicated that as part of the overall plan, a bank will be graded back at the new entrance and a site developed for a stormwater detention pond. This should help eliminate the existing drainage problems.

Several Board members expressed concerns with the drainage problems from the mobile home park, which

January, 29, 2004

Page 3 of 26

creates flooding on Merrimac Road. They requested staff to review the stormwater plan and provide the Board with an update at the next Board meeting.

There being no further speakers, the public hearing was closed.

Comprehensive Plan Amendment and Rezoning Request - RRH Property Management

RRH Property Management (Agent; Balzer & Associates) requests a comprehensive plan amendment to change the land use designation of 2.71 acres from a rural expansion area to an urban expansion area. The property is identified as Tax Parcel No. 119-A-33A (Acct ID #000274) in the Riner Magisterial District.

RRH Property Management (Agent; Balzer & Associates) requests to rezone 2.71 acres from Residential (R-2) to Multi-Family Residential (RM-1), with proffered conditions, to allow the construction of up to fourteen (14) town homes. The property is adjacent to 1803 Fairview Church Road and is identified as Tax Parcel No. 119-A-33A (Acct ID #000274) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief presentation on the request. RRH Property Management is requesting a comprehensive plan amendment and a rezoning on property located at 1803 Fairview Church Road in order to construct 14 town homes. In November 2002 a special use permit was granted in order to allow a day care business. The plans for a day care have since been changed and the owner is now requesting a rezoning in order to construct town homes. At their January 14, 2004 meeting, the Planning Commission recommended approval of this request to the Board of Supervisors subject to eight conditions.

Steve Semones, agent for the applicant, was available to answer any questions the Board may have concerning this request.

Supervisor Politis expressed concerns with the existing drainage problems along Fairview Church Road and Route 8 intersection. He believes that with more development along this section will only create more problems. He also expressed concerns with the entrance to the new development being located near the intersection, which already is congested.

Mr. Semones stated that the plans do provide for a "No Build" area for future storm water management. He reported that the entrance to the development was planned by the Virginia Department of Transportation. When they applied for an entrance permit, the original entrance was farther up Fairview Church Road, but VDOT recommended that the entrance be moved to the location as shown on the plans submitted for rezoning.

There being no further speakers, the public hearing was closed.

Rezoning Request - Davie Whitlock

Davie Whitlock requests to rezone approximately 22 acres from Agriculture (A-1) to Rural Residential (R-R), with possible proffered conditions, to allow a single-family residential subdivision. The property is located at the southeastern corner of the Spaulding/Walton Road intersection and is identified as Tax Parcel Nos. 77-A-73, 74, 75 & 76 (Acct ID # 003402,003403,003404,003401) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator provided a brief presentation on this request. The applicant has requested the rezoning of 22 acres to develop a single-family residential subdivision. The property is located on the corner of Spaulding and Walton Road intersection. At their January 14, 2004 meeting, the Planning Commission recommended approval to the Board of Supervisors with four conditions. In discussion, the Planning Commission found the request to be favorable for the following reasons: 1) rezoning restricts the type of housing permitted, 2) rezoning restricts driveway openings on Walton and Spaulding Roads; and 3) the subdivision is consistent with R-1 property across Spaulding Road. The Planning Commission also raised the following concerns: 1) uncertainty of whether or not the land will support drainfields; and 2) increase in school- aged children.

Davie Whitlock, applicant, was available to answer questions from the Board of Supervisors.

Marty Gordon addressed concerns with the proposed subdivision. While not opposed to the development, he is concerned with the additional driveway entrances that lead onto Spaulding Road. Spaulding Road has a speed limit of 55 m.p.h on the section where the subdivision is being proposed. A 25 m.p.h. speed limit is posted on a portion of Spaulding Road where there is residential housing. Mr. Gordon suggested that the developer contact VDOT and request consideration on lowering the speed limit on the section of Spaulding Road where the proposed subdivision will be developed.

There being no further speakers, the public hearing was closed.

Special Use Permit - Lawrence & Lura Estes - Telecommunications Tower

Lawrence & Lura Estes (Agent: Site Solutions for US Cellular) requests a Special Use Permit in Agriculture (A-1) to allow a 90-foot telecommunications tower. The property is located adjacent to 916 Den Hill Road and is identified as Tax Parcel Nos. 68-A-144, 145 & 68-5-23C (Acct. ID #

January, 29, 2004

Page 5 of 26

006179,006178 & 024933) in the Mt. Tabor Magisterial District. The property currently lies in an area designated as Agriculture/Rural in the Comprehensive Plan.

The Zoning Administrator provided a brief presentation. U. S. Cellular is proposing to construct a 90 foot telecommunications tower on Den Hill Road in order to provide much needed coverage for the citizens who live in the Ellett Valley area of Montgomery County. The emergency services also have indicated a need for improved coverage in this area for radio communications. U.S. Cellular has offered to provide antennae space on the proposed tower at approximately 65 feet on the tower for a rental rate of \$1.00 per year. The Montgomery County Sheriff's Office has indicated they will place an antenna on the tower. At their January 14, 2004 meeting, the Planning Commission found this request in substantial conformance with the Comprehensive Plan and with the Telecommunications Tower Policy. They recommend approval to the Board of Supervisors with conditions.

Paula Figgatt, Site Solutions, spoke on behalf of the applicant. Ms. Figgatt stated that Site Solutions has conducted an extensive search, for US Cellular, to consider all co-locations possibilities in order to co-locate on an existing tower. Possible co-locations were tested and it was determined that the coverage, overlapped the existing coverage and one site, AEP transmission tower, the representative did not want to lease space on the tower. In order to provide additional coverage the proposed site on Den Hill Road deemed the most suitable site. The site is within a cluster of trees which will minimize the impact of the monopole tower and the pole will be painted brown. Also, the proposed tower will be located on 52 acres of land and the Estes's own the adjoining property. Ms. Figgatt stated that they have offered the 65 foot position to the emergency services which will be the only co-locator on the tower. She stated she was available for any questions the Board may have.

Supervisor Doug Marrs requested Ms. Figgatt to review and verify that the 65 foot location would give the emergency services antenna adequate coverage.

There being no further speakers, the public hearing was closed.

Withdrawal Request - AFD-10

Progress Street Builders requests to withdraw approximately 9 acres from Agricultural & Forestal District 10 (Mt. Tabor). The property is located at 2257 Bishop Road and is identified as Tax Parcel No. 29-2-5D (Acct ID #033604) in the Mt. Tabor Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Planning Director presented a brief report. The Agricultural & Forestal Districts are for an eight year term. Property owners who want to remove their land from an AFD have to request removal and meet certain conditions. Progress Street Builders owns two parcels, a two acre parcel and a 9 acre parcel,

January, 29, 2004

Page 6 of 26

which is in the AFD. They have requested to remove from the AFD the nine (9) acre parcel with the intent to develop a minor subdivision with five residential homes. Under the current zoning regulation, a lot line adjustment between two parcels owned by Progress Street Builders could be made and build only three of the four homes and retain an existing house already on the two acre parcel.

Eric Sallee, President and Partner of Progress Street Builders, addressed the Board. Mr. Sallee stated that they would like to remove the nine acre parcel from the AFD in order to construct all four houses as planned and retain the existing house. This would minimize construction costs. Mr. Sallee ask that the Board support this request.

There being no further speakers the public hearing was closed.

Proposed Ordinance to amend Chapter 2 , Division 5 Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped, of the Code of Montgomery County, Virginia in order to increase the income limits from \$14,000-\$21,000 to \$16,000 - \$25,000 and to raise the asset limit from \$50,000 to \$80,000 for those citizens eligible for tax relief.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Marty Gordon expressed his appreciation to the Board for appropriating additional funding to the Literacy Volunteers of the New River Valley. Mr. Gordon believes this literacy program is very important to the New River Valley. There are numerous adults in the New River Valley reading below a fifth grade level, and English as a second language has become more important as more immigrants move into the New River Valley. Mr. Gordon reported that the Literacy Volunteers have lost numerous grants this fiscal year and for the upcoming fiscal year. They have asked for additional funding in the FY 2004-2005 budget. Mr. Gordon urged the Board to consider the importance of literacy and provide adequate funding.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated January 29, 2004 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Douglas W. Marrs	
Steve L. Spradlin	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
James D. Politis	

Approval of Minutes Dated December 15, 2003

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the minutes dated December 15, 2003 were approved.

Schedule Public Hearing - Create an Ordinance to Obtain National Criminal History Record Searches

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby schedules a Public Hearing for Monday, February 23, 2004, at 7:15 p.m. or as soon thereafter at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizens comments' on the following proposed ordinance:

An Ordinance Authorizing the County of Montgomery, Virginia, to Obtain National Criminal History Record Searches

An Ordinance Authorizing the County of Montgomery, Virginia, to Obtain National Criminal History Record Searches Through the Central Criminal Record Exchange, a Division Within the Department of

State Police for Applicants Who Are Offered or Accept Certain Employment Positions with the County of Montgomery, Virginia.

Transportation Safety Commission - Appointment

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Kelly Boyers** to the Transportation Safety Commission effective January 27, 2004 and expiring January 26, 2007.

Resolution of Appreciation -Industrial Development Authority-Larry J. Linkous

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Larry J. Linkous has faithfully served as a member of the Industrial Development Authority since January, 1996; and

WHEREAS, Larry J. Linkous served as Vice Chairman of the IDA in 1999-2000 and as Chairman in 2000-2001; and

WHEREAS, The County recognizes the impartial and dedicated service that **Larry J. Linkous** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Larry J. Linkous** for his outstanding public service.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Larry J. Linkous** and that a copy be a part of the official minutes of Montgomery County.

OLD BUSINESS

Comprehensive Plan Amendment - RRH Property Management (Agent: Balzer & Associates)

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Comprehensive Plan Map is hereby amended as follows:

- Change the land use designation for Tax Parcel Nos. 119-A-33A (Acct ID #000274), approximately 2.71 acres from rural expansion to urban expansion area.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Douglas W. Marrs	
Steve L. Spradlin	
Annette S. Perkins	
Mary W. Biggs	
James D. Politis	

Rezoning Request - RRH Property Management (Agent: Balzer & Associates)

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

ORDINANCE 2004 -01
An Ordinance Amending the Zoning
Classification of 2.71 acres from
Residential (R-2) to Multi-Family Residential (RM-1)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 2.71 acres of land is hereby amended and rezoned from the zoning classification of Residential (R-2) to Multi-Family Residential (RM-1) with the following proffered conditions:

1. Only townhouses shall be constructed with no more than fourteen (14) units total.
2. Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated 11/03/03 and revised 12/08/03.
3. Site shall be served by public water and sewer. Fire protection for this property shall be provided and 200' of 6" waterline shall be extended per PSA to the property. Approval of these facilities by the Montgomery County Public Service Authority shall be obtained prior to approval of site plan and issuance of building permits.
4. An entrance permit from VDOT shall be obtained prior to issuance of building permits for this development.

January 29, 2004

Page 10 of 26

5. A detailed site plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator prior to issuance of building permits for this development. This plan shall include a bus shelter as requested in the Montgomery County Public Schools letter dated 11/20/03.
6. No individual trash receptacles shall be stored where visible from Fairview Church Road. A community dumpster will be provided.
7. Structural components of elevations facing Fairview Church Road shall be in substantial conformance to those shown to and submitted to Planning Commission on 12/10/03.
8. A Homeowners Association shall be established to maintain all grounds, including but not limited to grass areas, parking and paved areas, and storm-water management area.

This action was commenced upon the application of RRH Property Management (Agent: Balzer & Associates).

The property is located at 1803 Fairview Church Road and is identified as Tax Parcel No. 119-A-33A (Acct ID #000274) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

John A. Muffo
None
Douglas W. Marrs
Annette S. Perkins
Steve L. Spradlin
Mary W. Biggs
Gary D. Creed
James D. Politis

NAY

Proposed Ordinance to Amend Chapter 2, Division 5 Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

2004-02
An Ordinance Amending Chapter 2 Division 5 of The
Code of The County of Montgomery, Virginia
Entitled Tax Exemptions And Deferrals For Elderly
And Handicapped by Increasing The Eligibility Limits
For Exemption From or Deferral of Taxation of
Real Estate For The Elderly And Disabled

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Division 5 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

**DIVISION 5. TAX EXEMPTIONS AND DEFERRALS FOR ELDERLY AND
HANDICAPPED**

Sec. 2-106. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affidavit means the real estate tax exemption or deferral affidavit, a sworn statement in writing.

Deferral means a deferral from the county real estate tax, according to the provisions of this division.

Dwelling means the full-time residence of the person or persons claiming an exemption or deferral.

Exemption means an exemption from the county real estate tax, according to the provisions of this division.

Property means real property.

Taxable year means the calendar year, from January first until December thirty-first, for which an exemption or deferral is claimed.

Title, title to real property means the record title ascertainable from the records of the clerk of the circuit court of the county but which shall not include leasehold estates.

Sec. 2-107. Established; restrictions and conditions.

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, section 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

- (1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~twenty-one thousand dollars (\$21,000.00)~~ twenty-five thousand dollars (\$25,000) provided that the first ~~four thousand dollars (\$4,000.00)~~ six thousand five hundred dollars (\$6,500) of income of each relative other than the spouse of the owner who is living in the dwelling shall not be included in such total.
- (2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed ~~fifty thousand dollars (\$50,000.00)~~ eighty thousand dollars (\$80,000)-.
- (3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S. C. ' ' 423(d) by the Social Security Administration so long as the person remains eligible for such Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total

January 29, 2004

Page 13 of 26

disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section including, qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

Annual Income (Calendar Year)	For Qualified Persons the Percentage of Tax Which May Be Exempted
\$0-- 14,000 <u>16,000</u>	100%
<u>16,001</u> 14,001 17,000 <u>20,000</u>	60%
<u>20,001</u> 17,001 21,000 <u>25,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia, this 29TH day of January, 2004.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Gary D. Creed	
John A. Muffo	
Douglas W. Marrs	
Mary W. Biggs	
James D. Politis	

NEW BUSINESS

Disposal of Bethel Elementary School and Property

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that upon the sale of the Bethel Elementary School property, the Board of Supervisors agrees that the School Board may use the proceeds from the sale of the property for future school capital improvement projects.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None

Gary D. Creed
John A. Muffo
Douglas W. Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis

Designate County Administrator as Montgomery County's Agent for the Virginia Department of Emergency Management Domestic Preparedness Program

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Virginia Department of Emergency Management Domestic Preparedness Program provides funding to assist local governments to meet immediate equipment replacement needs and address critical ongoing equipment needs as part of the State's domestic preparedness strategy due to the terrorist attack on the World Trade Center.

NOW, THEREFORE, BE IT RESOLVED, That the County Administrator, B. Clayton Goodman, III, is hereby designated as Montgomery County's agent and is authorized to execute appropriate documents for the purpose of obtaining certain federal assistance under the Office of Justice Programs (OJP), National Domestic Preparedness Office Grant Program, administered by the Commonwealth of Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Douglas W. Marrs	None
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Steve L. Spradlin	

James D. Politis

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Virginia Tech/Montgomery Regional Airport Authority
2. Human Services Commission
3. Library
4. FY 2004-2005 Budget
 - a. Health Insurance
 - b. Market Rate Study

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Steve L. Spradlin	
Douglas W. Marrs	
James D. Politis	

NOTE: Supervisor Politis left the meeting at 9:45 p.m.

Virginia Tech/Montgomery Regional Airport Authority

Michael St. Jean, Executive Director, Virginia Tech/Montgomery Regional Airport Authority, provided the Board with an update on the Airport's progress and proposed future capital improvements to the Airport.

Mr. St. Jean stated that most of the projects will be funded by federal and state dollars with the locality contributing only 1% of the project costs. The following projects have already been approved and funded:

- 1) Medium Intensity Taxiway Lights; and 2) Precision Approach Path Indicators. Construction is

January 29, 2004

Page 17 of 26

scheduled to begin in August 2004. Funding has been approved for planning, engineering and design of an expanded corporate aviation ramp and the design project began in December 2003. This project will allow larger corporate airplanes to land and take off at the Airport. The existing ramp is not long enough for take off. Mr. St. Jean thanked the Board for their continued support and extended an invitation to call him at any time if they had any concerns or questions.

Human Services Commission

Representatives from the Human Services Commission could not attend the January 29, 2004 Board of Supervisors meeting and provided a written report. At their January 22, 2004 Human Services Commission Budget Review Committee meeting, the Commission reviewed the FY 2004-2005 funding requests from sixteen human services agencies for Montgomery County. The total request for funding from Montgomery County is \$422,162, an increase of \$98,426 from FY 2003-2004. There were only two new requests this year, from Court Appointed Special Advocate Association (CASA) of the New River Valley, Inc., and Brain Injury Services of SW Virginia. They currently do not receive any funding from Montgomery County. A summary of each budget request was included in the written report. The Human Services Commission expressed appreciation for the Board's generous support for the local human services agencies in the past.

Montgomery/Floyd Regional Library

June Sayers, Montgomery/Floyd Regional Library, made a presentation on the Library's Budget Proposal for FY 2004-05. The total budget request is \$1,348,477, an increase of \$176,625 over the FY 2003-04 budget. The Library is requesting \$109,056 for the annual operating cost for the Meadowbrook Public Branch Library, which is the majority of the increase for FY 04-05. Ms. Sayers reported that library use is up. Circulation of materials is up 21%, people using the library is up 38%, attendance to events is up 45%, and the use of the community rooms is up 22%. The Library plays an important role for the citizens of Montgomery County by providing services such as reading material to all age groups and providing computers for public use. Ms. Sayers urged the Board to provide the additional funds requested for the operating expenses for the Meadowbrook Public Branch Library and for the overall operating expenses for all the public libraries located in Montgomery County.

FY 2004-2005 Budget - Market Rate Study, Performance Plan and Health Insurance

The Human Resources Director made a presentation on the Market Rate Study. The Human Resources Department performs a market study each year to determine the average salary for benchmark positions. The market study for calendar year 2003 is completed. There were 32 benchmark positions that were surveyed and data was received from counties that are comparable to Montgomery County, the two towns located in the County, and from Federal Mogul, a private sector. It was determined that Montgomery

County is 8.5% below the average minimum salary. The Human Resources Director gave an update on performance management plan. The County has been evaluating employees based upon performance since FY 01-02. All employees are given core competencies according to their position. They have to meet these competencies every year and given a score, which ranges from 0-3, for each competency. The average score has increased over the past few years from FY 02 at 1.85 to FY 04 at 2.13. The Human Resources Director believes this type of evaluation is working well for the County.

The Human Resources Director also provide an update on the health insurance renewal process. Montgomery County has received their loss ratio on claims paid through October 2003. The loss ratio is at 87.2% compared to the Consortium at 102.2%. This is much better than where the County was last year. The Employee Advisory Committee is in place and has met in December 2003, with another meeting scheduled for January 2004. The County's Consultant recommends not seeking proposals this year due to no change in the market. The County's carrier, Southern Health, should be providing renewal numbers in early March 2004. Once the renewal numbers are in, the County can determine what the cost of health insurance will be for their employees.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		
Steve L. Spradlin		
Douglas W. Marrs		
Mary W. Biggs		
Annette S. Perkins		

COUNTY ADMINISTRATOR'S REPORT

Comprehensive Plan Revision Update The Planning Director presented an update on the Comprehensive Plan Revision. He explained that work groups were established on 2003 to develop draft goals, objectives, and strategies on nine different topics, such as Economic Development, Parks and Recreation, and Transportation. These were presented to the Planning Commission. Also, the consultant provided a report on the land use policies and designations. The following timeline has been drafted for the Year 2004 :

- The Planning Commission is to review all sections of the draft plan.
- Meet with Blacksburg and Christiansburg Planning Commissions
- Meet with the Board of Supervisors on draft plan
- Schedule and hold Planning Commission public hearing
- Make recommendation to the Board of Supervisors
- Schedule and hold Board of Supervisors public hearing on the plan
- May refer back to Planning Commission for changes
- Take final action

Consolidated Collection and Recycling Sites The County Administrator reported he investigated the Board members concerns about the closing of some of the collection and recycling sites over the Christmas Holiday weekend due to being full to capacity. The weekend was expected to be busy and extra precautions were taken. Additional containers were placed at the busiest sites, all containers at all the sites were emptied on Christmas Eve, and the trucks were scheduled to go out early Monday morning. The trucks were not scheduled to run on Friday, December 26 due to the sites being emptied on Christmas Eve and the sites were closed on Christmas Day.

The County Administrator stated that in the future they would request the Montgomery Regional Solid Waste Authority to extend their hours of operation to allow the County to haul trash on Saturday afternoon and Sunday if necessary. Hopefully these actions, along with the additional measures, will resolve any problems in the future.

Supervisor Spradlin expressed concerns with trash being dropped off outside the fence at the Collection and Recycling sites after hours. He asked if “No Dumping” signs could be posted to warn citizens that it is illegal to leave trash outside the fence.

BOARD MEMBERS’ REPORTS

Supervisor Spradlin reported a road sign was down at the Oilwell Road and Honeysuckle Lane intersection. He requested VDOT be contacted to re-install the sign.

Supervisor Muffo - Tour of Edward Via Virginia College of Osteopathic Medicine Supervisor Muffo reported that he along with the County Administrator, Economic Development Director, and the Associate Economic Development Director toured the College of Osteopathic Medicine. He believes this college will make a huge impact on economic development in the County.

The River Course of Virginia Tech Golf Course - Supervisor Muffo reported he attended a ground breaking January 20, 2004 for the River Course of Virginia Tech. The Virginia Tech Foundation announced a major renovation and improvement project to take place at the River Course. Pete Dye, renowned golf architect, has been commissioned to renovate the golf course. The course is to be one of the finest in the nation.

Supervisor Creed expressed concerns with citizens hauling open trash containers on their vehicles to the collection and recycling sites. Apparently, trash is blown off onto the roads. One citizen who lives near one of the sites reported he picks up what he can along the road but it is increasingly becoming more of a problem. Supervisor Creed requested staff to contact the Sheriff's Department to see if they could control more at these sites. He also believes there is an ordinance making it illegal to haul open containers.

Riffe Street Supervisor Creed requested staff to check the status of Riffe Street being added to the State Secondary System of Highways. It is his understanding that all the conditions have been met.

Six Mile Loop Trail Supervisor Creed reported that Montgomery County and the Town of Blacksburg have requested the Community Design Assistance Center of Virginia Tech to help develop a proposal for the design for the Six Mile Loop Trail. The estimated cost for the concept design is \$10,000 - \$12,000. The Town of Blacksburg has agreed to contribute to half of the cost. Supervisor Creed suggested the Board of Supervisors contribute half of the cost, not exceeding \$6,000.

Six Mile Loop - Appropriation

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

950 General Contingencies (\$6,000)

TO:

100 Board of Supervisors \$6,000

Said resolution transfers funds from General Contingencies to the Board of Supervisors Division to cover 50% of the cost of the study and design of the proposed Six Mile Loop Trail project contingent upon the Town of Blacksburg providing 50% of the matching funds.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Douglas W. Marrs		
Steve L. Spradlin		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

Supervisor Biggs - School Board Meeting Supervisor Biggs attended the January 20, 2004 School Board meeting and the January 22, 2004 Budget Work Session. She reported that the School Board continues to work on the budget but a few items of interest are that teacher salaries are being studied and a facility project priorities list has been drafted. The School Board would like to use the remaining \$1.8 million from the construction of the new Blacksburg Middle School and Christiansburg Middle School to fund much needed facility improvements, such as replacing windows, HVAC equipment overhauling, and paving parking lots. There are thirty (30) projects listed at a cost of \$2.6 million. The remaining funds will only fund 18 projects.

MBC Development Corporation and Virginia's First Commerce Park Participation Committee - Supervisor Biggs reported she attended the MBC Development Corporation meeting and Virginia's First Commerce Park Participation Committee meeting. The agenda and notes from both meetings were provided in the January 16, 2004 Friday Report.

Virginia Association of Counties (VACo) Steering Committee - Supervisor Biggs announced that she has been invited to serve as Chair of the Education Steering Committee and to serve on the Resolutions Steering Committee.

Cognitive Testing on Horses - Supervisor Biggs received a call from Joe Stewart, owner of the Christiansburg Livestock Market, with concerns about a new law in regards to the cognitive testing on horses. Mr. Stewart reported that all horses sold at an auction have to be tested after they are sold. It is his understanding under this new law that the horses have to be tested prior to being sold. Supervisors Biggs requested staff to investigate the new procedures and report back to Mr. Stewart.

Supervisor Marrs Thompson Landfill - Supervisor Marrs received a call from Mike Snyder requesting permission from the Board of Supervisors to hunt on the old Thompson Landfill. Mr. Snyder owns

adjoining property and operates a Hunt Club. He wishes to lease hunting rights on the landfill. The County Attorney was instructed to review this request and provide them with his findings.

Sheriff Vehicles Supervisor Marrs reported that the Sheriff's Office requested that funding for purchase of new vehicles for the Sheriff's Office in FY 03-04 be allocated in their budget. He believed the Board agreed to this action. Supervisor Marrs requested that that this be done in FY 04-05.

Supervisor Perkins - VACo Steering Committee - Supervisor Perkins announced that she has been invited to serve on the VACo Transportation Steering Committee and the Conference and Planning Steering Committee.

Extension of Board of Supervisors Meeting

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board extend the meeting beyond 11:30 p.m. as in accordance with Rule # 20 of the Rules of Order.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Steve L. Spradlin		
Douglas W. Marrs		
Mary W. Biggs		
Annette S. Perkins		

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Steve L. Spradlin		
Douglas W. Marrs		
Mary W. Biggs		
Annette S. Perkins		

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Steve L. Spradlin		
Douglas W. Marrs		
Mary W. Biggs		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed

meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

John A. Muffo
Gary D. Creed
Steve L. Spradlin
Douglas W. Marrs
Mary W. Biggs
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

OTHER BUSINESS

Authorization to Transfer Employee Annual and Sick Leave

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves B. Clayton Goodman, III's transfer of 477 sick leave hours and up to 96 annual leave hours with payment of \$3,774.30 to Montgomery County in accordance with the County's Personnel Policy.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis

Douglas W. Marrs
Steve L. Spradlin
Gary D. Creed
John A. Muffo
Annette S. Perkins

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the meeting was adjourned to Monday, February 9, 2004 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Steve L. Spradlin		
Douglas W. Marrs		
Mary W. Biggs		
Annette S. Perkins		

The meeting adjourned at 12:36 a.m. January 30, 2004.

<hr/>		ATTEST: <hr/>
James D. Politis		B. Clayton Goodman, III
Chair		County Administrator